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Congress critical, state lawmakers quiet on ruling

State lawmakers stay quiet on property decision

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WASHINGTON — Connecticut lawmakers are taking a back seat in a fast-moving congressional effort to blunt a Supreme Court decision that allows the government to take private land for economic development.

The decision, issued June 23 and based on a New London, Conn., case, drew sharp criticism from some members of Congress, who see it as an assault on individual property rights.

However, no one from the Connecticut delegation is spearheading efforts to limit the practice, although a few state lawmakers are co-sponsoring bills.

And so far, none have participated in floor debates and none have posted any comments about the New London decision or eminent domain on their Web sites — although dozens of other lawmakers have done so.

Sen. Chris Dodd, D-Conn., Rep. Christopher Shays, R-4, and Rep. Rosa DeLauro, D-3, expressed concerns about the decision when asked for their opinion.

But Sen. Joe Lieberman, D-Conn., sided with the Supreme Court.

At least 30 House members and six Senators have posted statements criticizing the Supreme Court ruling on their Web sites; others, notably members of the House Western Caucus, have spoken out against it.

The House already has approved, 365-33, a resolution expressing its "grave disapproval" of the 5-4 decision. And members from both chambers have introduced legislation seeking to limit communities from taking land through eminent domain.

The House also voted 231-189 to prohibit the Transportation, Treasury, and Housing and Urban Development departments from using funds to enforce the Supreme Court's *Kelo v. New London* decision.

The ruling stems from a case in which nine landowners, including Susette Kelo, sued the city of New London over its efforts to build a marina and office and retail space on waterfront property near a new \$300 million Pfizer Corp. research facility.

The homeowners argued that economic redevelopment projects that convert private property to other private uses do not constitute the "public purpose" required for taking land through eminent domain. In a 5-4 split, the Court ruled otherwise.

"I think just taking solely for economic development is using power of eminent domain beyond what was intended," Shays said. "Property rights have to be protected and extended." Shays said state and local governments need the power of eminent domain, but it should be used rarely, and only as a last resort.

He has co-sponsored legislation, introduced by Rep. James Sensenbrenner, R-Wis., and Rep. John Conyers, D-Mich., that would block the federal government from using economic development to justify seizing private property.

It would also prohibit any state or municipality from doing so whenever federal funds are involved with the project. Rep. Nancy Johnson, R-5, was among the 92 co-sponsors.

Rep. Rosa DeLauro, D-3, who did not co-sponsor the legislation, said the ruling "sets a dangerous precedent" and should make homeowners nervous.

Sen. Chris Dodd, D-Conn., said the Kelo decision raises concerns about how far communities should be allowed to go for the sake of economic development. "I understand the needs of the community, but there have got to be some restraints," he said.

Dodd said he is reviewing legislative proposals and is inclined to support a well thought-out bill.

Sen. John Cornyn, R-Texas, introduced a bill four days after the court decision to limit the power of eminent domain.

The bill has 18 co-sponsors, none from Connecticut.

Sen. Joe Lieberman, D-Conn., said that he sympathized with the Supreme Court's ruling that essentially said that cities and towns should decide what is in the public interest.

"It is ultimately up to the local elected officials. If they decide to transfer the property to another private interest for the public good, then they have the right to do that," Lieberman said.

Property rights is traditionally a conservative issue, and the high court's more liberal justices formed the backbone of the Kelo decision. But the backlash, both in the public and in Congress, has been bipartisan.

Rep. Phil Gingrey, R-Ga., said that as a result of the decision the nation's "sacred property rights" had been "thrown out in the name of expediency and greed.

"The Supreme Court has, for all practical purposes, placed a for-sale sign on the doorstep of every American home or business, and it reads, 'for sale by government,' " he said.

House critics variously referred to the decision as "madness," "a bizarre anomaly," and "nutty."

Rep. Scott Garrett, R-N.J., proposed the amendment to block HUD, Treasury and Transportation from spending funds to enforce the Kelo decision, which was approved 231-189. Johnson and Rep. Rob Simmons, R-2, voted in favor of it. DeLauro, Shays and Rep. John Larson, R-1, opposed it.

Simmons was the only member of the Connecticut delegation to support another amendment offered by Rep. Steve King, R-Iowa, which would have stricken \$1.5 million from the Supreme Court's \$60 million budget as a punitive measure. The amendment failed 374-42.

Simmons, whose district includes New London, has been quiet about the issue, although he has supported every eminent-domain resolution and amendment that has come before the House.

In a press statement, Simmons said he has "great sympathy for the homeowners and business owners" affected by the decision and is taking steps to remedy what he considers a flawed reading of the Constitution.

Simmons said he also supports Connecticut Gov. M. Jodi Rell's call for a careful and thorough review of the state's eminent domain laws and supports a moratorium on the use of eminent domain, as called for by House Minority Leader Rob Ward of North Branford.

"I am personally working with the Institute of Justice with the hopes of finding a solution that will allow the city of New London to move ahead with its redevelopment plans while allowing private property owners like Suzette Kelo to remain in their homes," he said.